

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

PHILLIP DEWAYNE STEWART
ADC #151956

PLAINTIFF

v.

NO. 5:13CV00381 JLH/BD

RAY HOBBS, et al.

DEFENDANTS

ORDER

The Court has received a Recommended Disposition (“Recommendation”) from Magistrate Judge Beth Deere. After careful review of the Recommendation, Phillip Dewayne Stewart’s timely objections, as well as a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects except that the date of the alleged racial slur is April 9, 2013, not September 2013. In addition, the Court notes that Stewart has filed documents docketed as an amended complaint (Document #12), a motion to amend or correct the complaint (Document #15), and an addendum (Document #16) after Judge Deere submitted her Recommendation. Those documents do not correct the deficiencies in the original complaint.

Stewart’s claims are DISMISSED, without prejudice. In addition, the Court certifies that an *in forma pauperis* appeal of this dismissal would be frivolous and not taken in good faith.

IT IS SO ORDERED this 31st day of January, 2014.


UNITED STATES DISTRICT JUDGE